

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL DIVISION  
FRANKLIN COUNTY, OHIO

STATE EX. REL  
COLUMBUS CITY ATTORNEY  
RICHARD C. PFEIFFER, JR.  
375 South High Street, 17th Floor  
Columbus, Ohio 43215

Relator-Plaintiff,

v.

BENJAMIN F. BAZEMORE  
5414 Paladim Road  
Columbus, Ohio 43232

ALSO AT  
3137 Easthaven Drive South  
Columbus, Ohio 43232

and

SHERRI BURKES BAZEMORE  
5414 Paladim Road  
Columbus, Ohio 43232

and

US BANK NATIONAL ASSOCIATION  
AS TRUSTEE ON BEHALF OF THE  
HOLDERS OF THE CITIGROUP  
MORTGAGE LOAN TRUST INC.  
ASSET-BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2007-6  
999 NW Grand Boulevard, Suite 100  
Oklahoma City, Oklahoma 73118

and

CAPITAL ONE, NA  
4851 Cox Road  
Glen Allen, Virginia 23060

and

FILED  
17 MAY 31 PM 12:17  
FRANKLIN COUNTY  
MUNICIPAL COURT  
CLERK  
2017 EV H 60407

Case No.

Judge Daniel R. Hawkins

RESIDENTIAL FUNDING MORTGAGE :  
SECURITIES II, INC., HOME EQUITY :  
LOAN PASS-THROUGH CERTIFICATES, :  
SERIES 2007-HSA2, U.S. BANK :  
NATIONAL ASSOCIATION, AS :  
TRUSTEE, SUCCESSOR IN INTEREST :  
TO BANK OF AMERICA, N.A., AS :  
TRUSTEE, SUCCESSOR BY MERGER :  
TO LASALLE BANK NATIONAL :  
ASSOCIATION, AS TRUSTEE :  
8400 Normandale Lake Boulevard, Suite 600 :  
Minneapolis, Minnesota 55437 :

and :

RONALD HAGAN :  
FRANKLIN COUNTY TREASURER :  
373 S. High St., 17<sup>th</sup> Floor :  
Columbus, Ohio 43215 :

and :

UNKNOWN TENANTS OF :  
793 Byron Avenue :  
Columbus, Ohio 43227 :

and :

REAL PROPERTY AT :  
793 BYRON AVENUE :  
793 Byron Avenue :  
Columbus, Ohio 43227 :

Parcel No. 010-132183

Respondents-Defendants. :

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**VERIFIED COMPLAINT FOR PRELIMINARY  
AND PERMANENT INJUNCTIVE RELIEF**

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1. This complaint concerns enforcement of the Ohio Revised Code (hereinafter "R.C.") Chapter 3767 et seq., other code provisions, and common law so as to be within the exclusive jurisdiction of the Environmental Division of the Franklin County Municipal Court pursuant to R.C. § 1901.183.

2. Relator-Plaintiff Richard C. Pfeiffer, Jr. is the duly-elected, sworn, and acting City Attorney for the City of Columbus, Ohio and is a party charged at both common law and by R.C. § 3767.03 with the prevention, prosecution, and abatement of any public nuisance within the City of Columbus, Franklin County, Ohio.
3. The real property that is the subject matter of this complaint is located at 793 Byron Avenue, Columbus, Ohio, 43227, ("the Premises"), known as Franklin County Permanent Parcel No. 010-132183, situated in the City of Columbus, Franklin County, Ohio.
4. All Respondents-Defendants have been owners, occupants, and/or persons with charge, care or control of the premises at all times relevant to this Complaint.
5. Respondent-Defendant Benjamin F. Bazemore ("Bazemore") is the record owner of the Premises by virtue of a Deed of Trustee, Instrument No. 200701050002875. A true and accurate copy of said deed is attached as Exhibit A.
6. Respondent-Defendant Sherri Burkes Bazemore is believed to be the wife of Bazemore, and may claim an interest in the Premises as such.
7. Respondent-Defendant U.S. National Association, as Trustee, may claim an interest in the Premises by virtue of an Assignment of Mortgage/Deed of Trust, Instrument No. 201102110021334.
8. Respondent-Defendant Capital One, NA, may claim an interest in the Premises by virtue of a Certificate of Judgment filed in the Franklin County Municipal Court, Case No. 2012 CVF 37199.
9. Respondent-Defendant Residential Funding Mortgage Securities II, Inc., as Trustee, may claim an interest in the Premises by virtue of an Assignment of Mortgage, Instrument No. 201406110073046.

10. Ronald J. Hagan is the duly appointed, sworn, and serving Treasurer of Franklin County, Ohio, and may claim an interest in the property for unpaid taxes.
11. Respondents-Defendants Unknown Tenants/Occupants have occupied the premises and/or exerted charge, care and control over it.
12. The Premises is a duplex located near East Main Street on the east side of the City of Columbus.
13. Over the last several months, the Columbus Police Department, Narcotics Division ("CPD Narcotics") have been investigating the Premises due to complaints of illegal activity.
14. CPD Narcotics made covert purchases of narcotics at the Premises on November 7, 8 and 9, 2016, utilizing pre-recorded City funds.
15. On November 9, 2016, CPD Narcotics executed a search warrant at the Premises.  
The following items were seized/found:
  - a. 47.5 grams crack/cocaine
  - b. 8.3 grams marijuana
  - c. \$4,884 cash (including \$20 pre-recorded City funds)
  - d. Handgun
16. On November 10, 2016, the CPD Narcotics sent a certified letter to Bazemore notifying him of the November 9, 2016, search warrant. A true and accurate copy of said letter is attached as Exhibit B.
17. CPD Narcotics made a covert purchase of narcotics at the Premises on November 14, 2016, utilizing pre-recorded City funds.
18. On or about December 1, 2016, Bazemore signed the return receipt for the letter referenced in Paragraph 16.

19. CPD Narcotics made a covert purchase of narcotics at the Premises on March 13, 2017.
20. CPD Narcotics made a covert purchase of narcotics at the Premises on May 22, 2017.
21. Relator-Plaintiff alleges that the Premises is a public nuisance as defined in § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, subject to abatement under R.C. § 3767.
22. Relator-Plaintiff asserts that the Premises herein is generally reputed to be kept, conducted, and maintained for the purposes of committing violations of Ohio Revised Code 2925 (Drug Offenses), and for the purposes of illegal activity, including prostitution.
23. Respondents-Defendants are guilty of maintaining a nuisance at the Premises, subject to abatement in accordance with R.C. 3767.01 (*et seq.*), for having a structure in violation of the laws pertaining to illegal drugs (including violations of R.C. Chapter 2925, R.C., R.C. 3719.10, etc.); such operations, and criminal activity at the premises, substantially interferes with the area's public decency, sobriety, peace, safety, welfare, and good order.
24. Respondents-Defendants own fixtures, furniture, and moveable property that have been used or are currently being used in conducting, maintaining, and facilitating said public nuisance.
25. Respondents-Defendants at all times relevant to this action maintained a public nuisance threatening the health, safety, and welfare of the People of the City of Columbus (and the health, safety, and welfare of those at 793 Byron Avenue, and that of Columbus Police).

26. Respondents-Defendants are guilty of maintaining a nuisance at the Premises based on their actual and constructive knowledge of the nuisance, as well as the well-known general reputation of the premises, which is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and/or participation in the nuisance.

### **JUDGMENT AND RELIEF DEMANDED**

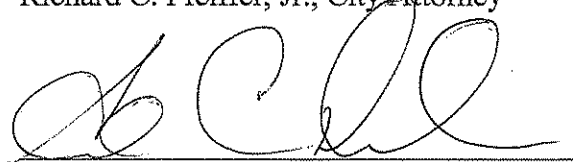
**WHEREFORE**, Relator demands judgment as follows:

1. Per R.C. § 3767 and Ohio Civ.R. 65(B)(1), that the court set a preliminary injunction hearing on the matter.
2. That the Premises be declared a public nuisance as defined in Ohio Revised Code § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, as alleged herein.
3. That all Respondents-Defendants be found to have been guilty of maintaining a public nuisance as defined in R.C. § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, as alleged herein.
4. In accordance with this Complaint and Revised Code Chapter 3767, that all Respondents-Defendants, and any heirs, successors in interest or title, transferees and/or assigns be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of the premises as a public nuisance.
5. In accordance with this Complaint and Revised Code Chapter 3767, that all Respondents-Defendants be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of a public nuisance anywhere in Franklin County, Ohio and/or Columbus, Ohio.

6. On final judgment, the Chief of Police of Columbus, Ohio, be ordered to sell the furniture, fixtures, and moveable property identified herein in the manner provided for the sale of chattels under execution, and effectually close the entire premises against its use for a one year period per Civ.R. 65 and R.C. Chapter 3767 *et seq.*
7. To tax Respondents-Defendants \$300 in accordance with Revised Code § 3767.08, plus the costs of this action.
8. This Court appoint a receiver if needed pursuant to Chapter 2735 of the Ohio Revised Code.
9. An award of Plaintiff's cost and attorneys' fees payable by Defendant(s).
10. Relator-Plaintiff further requests that this Court grant Plaintiff the following relief as permitted by law:
  - (a) interest on all sums to which Relator-Plaintiff may be entitled;
  - (b) attorneys' fees and costs and expenses of this action; and
  - (c) all such further equitable and other relief this Court determines Relator-Plaintiff to be entitled.

Respectfully submitted,

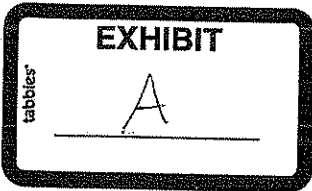
City of Columbus, Department of Law  
Richard C. Pfeiffer, Jr., City Attorney



Stephen C. Dunbar (0076730)  
Assistant City Attorney  
77 North Front Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 645-6914  
[scdunbar@columbus.gov](mailto:scdunbar@columbus.gov)  
*Counsel for the Relator-Plaintiff*

52113100  
VALMERLAND TITLE AGENCY BOX

200701050002875  
Pg: 1 \$28.00 T2870001054  
01/05/2007 9:32AM BXVALMER LAND  
Robert G. Montgomery  
Franklin County Recorder



DEED OF TRUSTEE

William F. Flick and Eva M. Flick, Co- trustees under The William F. Flick 1993 Trust, for Ten (\$10.00) Dollars paid, grants, with fiduciary covenants, to Benjamin Bazemore whose tax-mailing address is Opteum Finanical Services, P. O. Box 200010 Kennesaw, GA 30156 Franklin County, the following real property:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, and bounded and described as follows:

Being Ten (10) feet off the North side of Lot Number Two Hundred Thirty-Four (234) and all of Lot Number Two Hundred Thirty-Three (233) in CALDWELL'S MAIN STREET ADDITION to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 8, Page 1B, Recorder's Office, Franklin County, Ohio.

Parcel No: 010-132183-00  
Known as: 793-795 Byron Avenue, Columbus, OH 43227

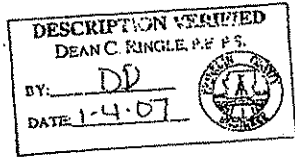
N-73  
Ally  
CDB  
132183

Prior Instrument Reference: Official Record 23344, page A-03, Deed Book 2448, page 465, Recorder's Office, Franklin County, Ohio.

Subject to Conditions, restrictions and easements, if any, contained in prior instruments of record. Except taxes and assessments, if any, now a lien and thereafter due and payable.

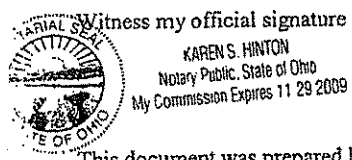
William F. Flick, Co-Trustee  
William F. Flick, Co-Trustee

Eva M. Flick, Co-Trustee  
Eva M. Flick, Co-Trustee



State of Ohio  
County of Fairfield

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of December, 2006 by William F. Flick and Eva M. Flick, Co-Trustees of The William F. Flick 1993 Trust.



Karen S. Hinton  
NOTARY PUBLIC

This document was prepared by The Durst Law Firm

TRANSFERRED  
JAN 04 2007  
JOSEPH W. TESTA  
AUDITOR  
FRANKLIN COUNTY, OHIO

Conveyance	329
Mandatory-	82,900
Permissive-	82,900
JOSEPH W. TESTA FRANKLIN COUNTY AUDITOR	



KIM JACOBS  
Chief of Police

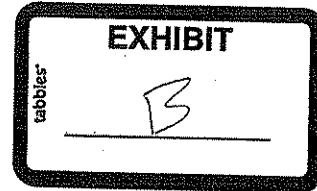


THE CITY OF  
**COLUMBUS**  
ANDREW J. GINTHER, MAYOR

DIVISION OF POLICE

11/10/2016

Benjamin F Bazemore  
5414 Paladim Rd  
Columbus, OH 43232



***Re: Illegal Narcotics Activity at 793 Byron Ave***

To Whom It May Concern,

On 11/9/16 a search warrant was executed at 793 Byron Ave as a result of an investigation of conduct that violates Ohio Revised Code Chapter 2925 - Drug Offenses. The Franklin County Auditor's Office indicates that you are the owner of said property. The purpose of this letter is to notify you of the Chapter 2925 violations occurring at said property.

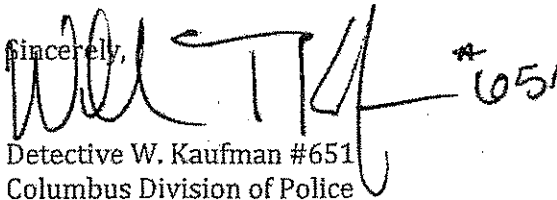
Pursuant to Ohio Revised Code Section 1923.02(A)(6)(a)(i), you now have "actual knowledge of or reasonable cause to believe" a violation of Revised Code Chapter 2925 exists at 793 Byron Ave.

Under the Ohio Revised Code "...the landlord shall terminate the...rental agreement...if a tenant previously has or presently is engaged in a violation of...Chapter 2925...of the Revised Code..." It is incumbent upon you to commence eviction proceedings against your tenant, or anyone occupying this property. If you are unsure how to evict legal tenants, or ones with which you have no legal agreement, please contact an attorney.

Additionally, according to Ohio Revised Code Section 3719.10, "premises or real estate, including vacant land, on which a felony violation of Chapter 2925 or 3719 of the Revised Code occurs, constitute a nuisance subject to abatement pursuant to Chapter 3767 of the Ohio Revised Code."

You are obligated to take actions which ensure that future violations of Ohio Revised Code Chapter 2925 will not occur on or at this property. Be aware that illegal activity involving your property may result in your property being declared a nuisance and subject to abatement action.

Please contact me at 614-645-4616 x 62387 or [wkaufman@columbuspolice.org](mailto:wkaufman@columbuspolice.org) upon receipt of this notice.

Sincerely,  
  
Detective W. Kaufman #651  
Columbus Division of Police  
Narcotics Bureau  
cc: Columbus City Attorney's Office